

MCKOOL SMITH, P.C.  
Robin L. Cohen (NJ Attorney ID No. 030501986)  
Adam Ziffer (*admitted pro hac vice*)  
Marc T. Ladd (*admitted pro hac vice*)  
Denise N. Yasinow (NJ Attorney ID No. 148032015)  
One Bryant Park, 47th Floor  
New York, NY 10036  
Tel: (212) 402-9400  
*Attorneys for Plaintiff Pharmacia Corporation*  
*n/k/a Pfizer Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

PHARMACIA CORPORATION N/K/A  
PFIZER INC.,  
Plaintiff,

v.

ARCH SPECIALTY INSURANCE  
COMPANY, TWIN CITY FIRE  
INSURANCE COMPANY, and LIBERTY  
MUTUAL INSURANCE COMPANY,

Defendants.

Civil Action No. 2:18-cv-00510-  
ES-MAH

**PRETRIAL SCHEDULING  
ORDER**

**THIS MATTER** having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on May 17, 2018, and the parties having reviewed the Court's Order dated May 18, 2018 [Dkt. No. 50] as well as the Local Civil Rules, and for good cause shown,

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2018,

**ORDERED** that this matter will proceed as follows:

**1. The Exchange of All Written Discovery Requests and Responses**

**Thereto.** The parties may serve written discovery at any time, but prior to September 28, 2018, which shall be responded to within 30 days of service thereof. The parties' right to serve interrogatories shall be limited to 25 single questions including subparts.

**2. Filing of the Parties' Letter Memoranda on Dispute Regarding Discovery of Settlement Agreements with Third Parties.** Defendants shall file and serve their letter memoranda (single spaced, no more than 6 pages) no later than June 8, 2018. Within 24 hours of receiving Defendants' papers, Plaintiff shall give notice of the effort to obtain the settlement agreements to the relevant third parties. Plaintiff and any third parties who so wish to intervene in this discovery dispute shall file and serve their letter memoranda (single spaced, no more than 6 pages) no later than June 29, 2018. Defendants shall file and serve any reply (single spaced, no more than 3 pages) no later than July 10, 2018.

**3. Fact Discovery Deadline, Including Depositions.** Fact discovery is to remain open through and until December 31, 2018. All fact witness depositions must be completed by the close of fact discovery. No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown. The number of party depositions to be taken by each side shall not exceed 5. The total number of third-party depositions taken by either side shall not exceed 7. In

the event the case has not been resolved by the close of fact discovery, the parties shall promptly make a good faith effort to mediate their dispute.

**4. Motions to Add New Parties and/or Amend Pleadings.** Any motion to add new parties, whether by amended or third-party complaint, must be electronically filed no later than August 31, 2018. Any motion to amend pleadings must be electronically filed no later than August 31, 2018.

**5. Parties' Proposed Motions for Summary Judgment Concerning the Prior Pending Litigation Exclusion, the Prior Notice Exclusion, and Exhaustion.** In light of prior proceedings, the time for the parties to agree on a schedule for the referenced summary judgment motions is premature at this time. The parties will meet and confer following efforts at satisfying certain parties' expressed desire for discovery related to these issues, and alert the Court at such time as any of the parties intends to seek leave to schedule one or more of the referenced summary judgment motions.

**6. Expert Reports.** All affirmative expert reports shall be served by February 1, 2019. All responsive expert reports shall be served by March 22, 2019. Depositions of all experts shall be completed by April 15, 2019.

7. **Local Rules.** The parties are directed to the Local Civil Rules for any other matter not addressed by this Order or the Court's Order dated May 18, 2018 [Dkt. No. 50].

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_, U.S.M.J.